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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDUARDO PACHECO, ET AL.,

Defendant.

No. CR 11-0154 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER RE: TESTING OF DRUG
EVIDENCE**

STIPULATION

The defendants in this case have requested independent testing for qualitative analysis and identification of the controlled substance contained therein by a defense expert of

Exhibit Number

DEA Laboratory Number

2

7162180

as reported in DEA FORM-7, REPORT OF DRUG PROPERTY COLLECTED, PURCHASED OR SEIZED, Bates numbered EP000108-109. This material has been identified by the DEA and its lab as the methamphetamine that was seized on March 3, 2011.

1 In order to permit the DEA to release controlled substances under their control for such
2 testing, the Agency requests that a Court Order issue to permit such contraband from leaving law
3 enforcement custody and to ensure chain of custody of the evidence.

4 The parties agree that a DEA Special Agent or Task Force Officer shall deliver the drug
5 exhibit identified above to Forensic Analytical Science, DEA # RF0193778s, located at 3777
6 Depot Road, Suite 409 Hayward, CA 94545, with telephone no. (510) 887-8828. The DEA
7 Western Region Laboratory shall arrange the delivery of said representative sample(s) on or
8 before August 10, 2011, to the DEA Special Agent or Task Force Officer for delivery to Alex
9 Corona, of Forensic Analytical Sciences; and

10 The parties also agree, that upon delivery of the exhibit identified above to the defense
11 expert, that a DEA Special Agent or Task Force Officer shall be present when the defense expert
12 inspects, weighs and removes a representative sample of the exhibit identified above for
13 analysis. The representative sample shall be in the amount of 500 mg or not more than one-half
14 (1/2) the current reserve weight, if less than 1 gram presently remains as the reserve weight, from
15 the above-described exhibit. The weight of each representative sample taken shall be
16 documented and signed by the defense expert and provided to the DEA Special Agent or Task
17 Force Officer in attendance. Upon the completion of the sample removal and weighing, the
18 defense expert shall, forthwith, return the remaining above-listed exhibit to the DEA Agent and
19 Task Force Officer in attendance; and

20 The parties further agree that the defense expert shall conduct the qualitative analyses
21 and identification ordered herein, and shall provide the Government with a declaration under
22 penalty of perjury, under 28 U.S.C. § 1746, executed by the individual who conducted the
23 analyses, or the head of the facility where the analyses occurred, which states the quantity of
24 each exhibit consumed during testing, and either the weight of each exhibit returned to the
25 Government, or a statement that all sample was consumed during testing; and

26 The parties also agree that all remaining material of the sample(s), after testing, is to be
27 returned by Alex Corona of Forensic Analytical Sciences to the DEA Western Regional
28 Laboratory via registered U.S. mail, return receipt requested, or approved commercial carrier,

1 within five (5) business days after the completion of analyses; and

2 The parties further agree, in accordance with Federal Rule of Criminal Procedure
3 16(b)(1)(B), that the defendants shall provide the Government with a copy of the results or report
4 of the physical examinations and scientific tests or experiments which resulted from the analyses
5 conducted under this Order: and

6 Finally, the parties agree that Alex Corona of Forensic Analytical Sciences is to
7 safeguard the representative sample(s) received, preserving the chain of custody in a manner to
8 faithfully protect the integrity of each exhibit received.

9
10 SO STIPULATED:

11
12 MELINDA HAAG
United States Attorney

13 DATED: August 2, 2011

14 /s/
KEVIN J. BARRY
Assistant United States Attorney

15
16 DATED: July 26, 2011

17 /s/
DANIEL BLANK
Attorney for EDUARDO PACHECO

18
19 DATED: July 26, 2011

20 /s/
JAMES P. VAUGHNS
Attorney for RONALD PELAEZ

21
22 DATED: July 26, 2011

23 /s/
JULIA M. JAYNE
Attorney for ELIZONDO VARELAS

~~PROPOSED~~ ORDER

IT IS ORDERED that a DEA Special Agent or Task Force Officer shall deliver the drug exhibit identified above to Forensic Analytical Sciences, DEA # RF0193778 located at 3777 Depot Road, Suite 409 Hayward, CA 94545, with telephone no. (510) 887-8828. The DEA Western Region Laboratory shall arrange the delivery of said representative sample(s) on or before August 10, 2011, to the DEA Special Agent or Task Force Officer for delivery to Alex Corona, of Forensic Analytical Sciences; and

IT IS FURTHER ORDERED that upon delivery of the exhibit identified above to the defense expert, that a DEA Special Agent or Task Force Officer shall be present when the defense expert inspects, weighs and removes a representative sample of the exhibit identified above for analysis. The representative sample shall be in the amount of 500 mg or not more than one-half (1/2) the current reserve weight, if less than 1 gram presently remains as the reserve weight, from the above-described exhibit. The weight of each representative sample taken shall be documented and signed by the defense expert and provided to the DEA Special Agent or Task Force Officer in attendance. Upon the completion of the sample removal and weighing, the defense expert shall, forthwith, return the remaining above-listed exhibit to the DEA Agent and Task Force Officer in attendance; and

IT IS FURTHER ORDERED that the defense expert shall conduct the qualitative analyses and identification ordered herein, and shall provide the Government with a declaration under penalty of perjury, under 28 U.S.C. § 1746, executed by the individual who conducted the analyses, or the head of the facility where the analyses occurred, which states the quantity of each exhibit consumed during testing, and either the weight of each exhibit returned to the Government, or a statement that all sample was consumed during testing; and

IT IS FURTHER ORDERED that all remaining material of the sample(s), after testing, is to be returned by Alex Corona of Forensic Analytical Sciences to the DEA Western Regional Laboratory via registered U.S. mail, return receipt requested, or approved commercial carrier, within five (5) business days after the completion of analyses; and

1 IT IS FURTHER ORDERED , in accordance with FED. R. CRIM. P. 16(b)(1)(B), that
2 the defendants shall provide the Government with a copy of the results or report of the physical
3 examinations and scientific tests or experiments which resulted from the analyses conducted
4 under this Order: and

5 IT IS FURTHER ORDERED that Alex Corona of Forensic Analytical Sciences is to
6 safeguard the representative sample(s) received, preserving the chain of custody in a manner to
7 faithfully protect the integrity of each exhibit received.

8
9 IT IS SO ORDERED.

10
11 Dated: August __3__, 2011

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13 
14 Hon. MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT JUDGE